IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY LITIGATION

STANLEY J. SMITH

Plaintiff(s),

v.

AUXILIUM PHARMACEUTICALS, INC., ABBVIE, INC. and ABBOTT LABORATORIES, INC.,

MDL No. 2545

Master Docket Case No. 1:14-cv-01748

Honorable Matthew F. Kennelly

Case No.: 1:15-CV-08599

Defendant(s).

All parties are to be included per Fed.R.Civ.P. 10(a)

SECOND AMENDED MASTER SHORT-FORM COMPLAINT FOR INDIVIDUAL CLAIMS

1. Plaintiff(s), STANLEY J. SMITH

state(s) and incorporate(s) by reference the portions indicated below of Plaintiffs' Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545. Plaintiff(s) [is/are] filing this Short Form Complaint as permitted by Case Management Order No. 20 of this Court for cases filed directly into this district.

2. In addition to the below-indicated portions of the Master Long Form Complaint adopted by the plaintiff(s) and incorporated by reference herein, Plaintiff(s) hereby allege(s) as follows:

VENUE

3. Venue for remand and trial is proper in the following federal judicial district: District of Arizona

IDENTIFICATION OF PLAINTIFF(S) AND RELATED INTERESTED PARTIES

4. Name and residence of individual injured by Testosterone Replacement Therapy product(s) ("TRT"): STANLEY J. SMITH

2436 East Randall Drive, Tempe, Arizona 85281

- 5. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: None/not applicable.
 - 6. Survival and/or Wrongful Death claims:
 - a. Name and residence of Decedent when he suffered TRT-related injuries and/or death:

None/not applicable.

b. Name and residence of individual(s) entitled to bring the claims on behalf of the decedent's estate (e.g., personal representative, administrator, next of kin, successor in interest, etc.)

None/not applicable.

CASE SPECIFIC FACTS REGARDING TRT USE AND INJURIES

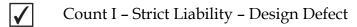
- 7. Plaintiff currently resides in (city, state): Tempe, Arizona
- 8. At the time of the TRT-caused injury, [Plaintiff/Decedent] resided in (city, state): Chandler, Arizona
- 9. [Plaintiff/Decedent] began using TRT as prescribed and indicated on or about the following date: November, 2007
- 10. [Plaintiff/Decedent] discontinued TRT use on or about the following date: October, 2008

11.	[Plaintiff/Decedent] used the	follow	ring TRT products, which Plaintiff
contends caus	ed his injury(ies):		
 ☑ Andro ☑ Testim ☐ Axiron ☐ Depo-T ☐ Andro ☐ Testope ☐ Fortest 	Testosterone derm el		Striant Delatestryl Other(s) (please specify):
12.	[Plaintiff/Decedent] is suing th	ne follov	wing Defendants:
✓ Abbott AbbVie Unimed Besins	bVie Inc. bott Laboratories bVie Products LLC himed Pharmaceuticals, LLC sins Healthcare Inc.		Endo Pharmaceuticals, Inc. Auxilium Pharmaceuticals, Inc. GlaxoSmithKline, LLC
□ Eli Lill □ Lilly U □ Acrux	Healthcare, S.A. y and Company JSA, LLC Commercial Pty Ltd. DDS Pty Ltd.		Actavis, Inc. Actavis Pharma, Inc. Actavis Laboratories UT, Inc. Anda, Inc.
□ Pfizer, □ Pharm	Inc. acia & Upjohn Company Inc.		
Other(s	s) (please specify): None/not ap	plicabl€	<u>, </u>
	_	_	against the following Defendant(s),
None/not applicable	e. TRT product(s) distributed:		

b.	Conduct supporting claims:	
14.	TRT caused serious injuries and damages including but not limited to the	
following:		
Acute my	ocardial infarction, coronary stent placement to the lower	
anterior d	lescending artery.	
15.	Approximate date of TRT injury: July 14, 2008	

ALLEGATIONS, CLAIMS, AND THEORIES OF RECOVERY ADOPTED AND INCORPORATED IN THIS LAWSUIT

- 16. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference as if set forth fully herein, all common allegations contained in paragraphs 1 through 466 of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545.
- 17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference as if set forth fully herein, the following damages and causes of action of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545:



Count II – Strict Liability – Failure to Warn

Count III - Negligence

\checkmark	Count IV – Negligent Misrepresentation		
\checkmark	Count V – Breach of Implied Warranty of Merchantability		
\checkmark	Count VI – Breach of Express Warranty		
\checkmark	Count VII – Fraud		
	Count VIII – Redhibition		
\checkmark	Count IX - Consumer Protection		
\checkmark	Count X – Unjust Enrichment		
	Count XI – Wrongful Death		
	Count XII - Survival Action		
	Count XIII - Loss of Consortium		
\checkmark	Count XIV – Punitive Damages		
\checkmark	Prayer for Relief		
	Other State Law Causes of Action as Follows: None/not applicable.		
	JURY DEMAND		
Plaintiff(s) d	emand(s) a trial by jury as to all claims in this action.		
Dated this the 15th day of November , 2016.			
	RESPECTFULLY SUBMITTED ON BEHALF OF THE PLAINTIFF(S),		
/s/Rachel Abrams			
Signature			
OF COUNS	EL: (name) Rachel B. Abrams (CA Bar No. 209316) (firm) LEVIN SIMES LLP (address) 44 Montgomery St., 32nd Fl., San Francisco, CA 94104 (phone) (415) 426-3000 (email) rabrams@levinsimes.com		